

# **New Jersey Schools Development Authority**

## ***2009 Annual Report***



**Building Schools for Tomorrow's Leaders**

## **Our Mission:**

The mission of the New Jersey Schools Development Authority (SDA) is to create a more promising future for the children of New Jersey by providing safe, healthy and sustainable schools that create a positive learning environment and strengthen the community.

We will accomplish this by:

- Developing environmentally safe and sustainable schools
- Effectively managing the fiscal resources provided by New Jersey's taxpayers
- Involving children, teachers, parents, school districts and communities in the development of schools
- Constructing schools that are multi-functional to address the needs of the entire community
- Incorporating design features and technology that enable teachers to teach in the most effective ways
- Setting nationwide best practices for the development of schools

## **Vision Statement**

SDA will be a nationally recognized source of best practices in facilitating the design, development and construction of schools that support academic success in partnership with the communities we serve.

*On the cover: Students mark the groundbreaking for the Pemberton Township Early Childhood Center project.*

# Board Members

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*Director of Government Affairs,  
NJ State Policeman's Benevolent Assn.*

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*President, Latino Leadership Alliance  
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Economic Development Authority*

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*Commissioner, New Jersey Department of  
Education*

Andrew P. Sidamon-Eristoff  
*State Treasurer, New Jersey Department of  
the Treasury*



## About This Report

The 2009 Annual Report on the operations of the New Jersey Schools Development Authority (SDA) is presented pursuant to the provisions of Executive Order No. 37 (Corzine), issued on September 26, 2006. The report provides a comprehensive overview of the SDA's operations – highlighting significant actions taken in 2009 – and discusses the Authority's efforts to contribute to the State's economic growth.

Also included are the Authority's 2009 financial statements and a discussion of its internal financial controls.

The SDA operates under the Educational Facilities Construction and Financing Act (EFCFA) of 2000 and subsequent August 2007 legislative amendments. EFCFA authorized initial program funding of \$8.6 billion. Authorized funding was increased by \$3.9 billion on July 9, 2008 with approval of P.L. 2008, c. 39.

Since its inception, the program has been authorized to expend up to \$12.5 billion, comprising \$8.9 billion for SDA Districts and \$3.6 billion for Regular Operating Districts (RODs). Of the ROD funding, \$150 million is set aside for vocational schools. Funding is provided through the issuance of bonds by the New Jersey Economic Development Authority (EDA).

For more information, please refer to the SDA website at [www.njsda.gov](http://www.njsda.gov) or the most recent Biannual Report on the School Construction Program (for the period April 1 through September 30, 2009). The Biannual Report can be found at the following link: [http://www.njsda.gov/RP/Biannual\\_Report/2009\\_2.PDF](http://www.njsda.gov/RP/Biannual_Report/2009_2.PDF).

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## Message from CEO

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May 5, 2010

The need for high-quality modern schools for students in New Jersey has not waned. Governor Chris Christie's nomination of me to head the New Jersey Schools Development Authority (SDA) reflects his administration's commitment to providing exemplary educational facilities for our future leaders. The desired goal is to strengthen the school-construction program, delivering one that is as efficient as possible and accountable to taxpayers for the investment of significant financial resources.



This report outlines the progress of the program during 2009. While strides have been made, much work remains to be done. Since I joined the SDA team in March 2010, we have begun work to identify efficiencies, propose fresh ideas to improve processes and map out how best to move the program forward. Much like the projects it builds, the SDA can only succeed with a solid foundation.

While we strive to deliver a model program, the core work of the SDA will continue: building and improving educational facilities. We eagerly anticipate the opening of several new facilities in fall 2010 and early 2011. We also hope to announce the award of hundreds of millions of dollars in additional grant aid in the near future. This work will create desperately needed jobs and assist school districts in need during this difficult financial period. As we continue this important work, I look forward to the SDA contributing to a brighter future for New Jersey.

Sincerely,

A stylized, handwritten signature in black ink that reads "Marc Larkins".

Marc Larkins

# Significant SDA Actions in 2009

## Project Accomplishments

### Completions

In 2009, the SDA worked to accomplish its mission of providing modern schools for the students of New Jersey that serve as integral parts of the community. SDA's efforts resulted in the completion of 16 projects, including 10 new facilities and 6 extensive addition, renovation and/or rehabilitation projects. A total of 12,416 New Jersey students benefited by the completion of these projects, which provide the modern classroom spaces, science labs, computers and other technology necessary to help keep the state's educational performance among the highest in the United States. These projects represented an investment of more than \$884 million.

2009 SDA PROJECT COMPLETIONS				
District		School	District Type	Capacity
<i>New Construction</i>				
1.	Camden	Dudley E.S.	SDA	539
2.	Camden	H. B. Wilson E.S.	SDA	539
3.	East Orange*	Performing Arts School (Cicely Tyson)	SDA	1,310
4.	Newark	Park E.S.	SDA	690
5.	Newark	Speedway E.S.	SDA	690
6.	New Brunswick*	New Brunswick H.S.	SDA	2,000
7.	Passaic	New E.S. @ Main Ave.	SDA	668
8.	Paterson	Madison Avenue K-Center	SDA	84
9.	Perth Amboy	Edmund Hmieleski Jr. Early Childhood Center	SDA	405
10.	Union City*	Union City H.S. and Athletic Complex	SDA	1,800
<i>Extensive Addition, Renovation and/or Rehabilitation</i>				
11.	Barnegat Township	Lillian M. Dunfee E.S.	ROD	515
12.	Barnegat Township	Robert L. Horbelt E.S.	ROD	550
13.	Bridgeton	Bridgeton Senior H.S.	SDA	1,200
14.	Egg Harbor City	Charles L. Spragg E.S.	ROD	338
15.	Orange	Park Avenue E.S.	SDA	383
16.	West New York	Number 2 E.S.	SDA	705
SUMMARY				
Project Category		Projects	Total Cost	Capacity
SDA District		13	\$864,679,768	11,013
Regular Operating District (ROD)		3	\$19,639,600	1,403
<b>TOTAL COMPLETIONS (SDA-managed)</b>		<b>16</b>	<b>\$884,319,368</b>	<b>12,416</b>
Grant projects managed by SDA Districts (emergent and other rehabilitation work)		16	\$4,775,700	N/A
<b>TOTAL COMPLETIONS (SDA- and District-managed)</b>		<b>32</b>	<b>\$889,095,068</b>	<b>12,416</b>

*\*Demonstration project: Such projects, which incorporate community features and are coordinated with wider economic development, were managed by a municipal redevelopment entity and a redeveloper/developer. SDA provided 100 percent funding and conducted oversight.*

### *Initiated Projects*

The SDA initiated a significant portfolio of projects during 2009. Eight (8) school facilities projects broke ground, representing a \$225.8 million investment. These projects increased the SDA's number of schools in active construction to 14.

2009 PROJECTS INITIATED	
New Construction	
1. <b>Camden:</b> Morgan Village Middle School	5. <b>Paterson:</b> Marshall Street Elementary School and Pedestrian Bridge
2. <b>Egg Harbor City:</b> New Middle School	6. <b>Pemberton:</b> New Early Childhood Center
3. <b>Passaic:</b> Elementary School at Henry Street	7. <b>Union City:</b> Columbus Elementary School
4. <b>Paterson:</b> Madison Avenue K-1 Center (begun and completed in 2009)	
Extensive Addition, Renovation Or Rehabilitation	
8. <b>Camden:</b> Camden High School tower rehabilitation	

The SDA also engaged in activities necessary before ground is broken on a school project. Eleven (11) projects began preconstruction work such as demolition and site preparation. An additional 15 school projects re-started design after having previously been placed on hold in the last several years.

### *Emergent Projects*

A focal point of SDA efforts was ensuring the advancement of emergent projects – those deemed necessary by the New Jersey Department of Education (DOE) due to potential health-and-safety conditions. Emergent projects are SDA-funded and either managed by the SDA or delegated to the local school districts. At year's end, the status of the emergent-project program was as follows:

- SDA-managed:
  - Projects in design phase: 50
  - Estimated total cost: \$28 million
- Delegated:
  - Total projects: 84
    - Design phase: 48
    - Construction: 32
    - Projects completed: 4
  - Estimated total cost: \$45.7 million



### ***Regular Operating District Grants***

In collaboration with the DOE, the SDA began distributing newly available grant funds for projects in RODs. These grants represent at least 40 percent of costs for projects that are approved as part of local referenda or through individual school-district budgets. ROD grant projects are managed locally, with funds disbursed as project milestones are met. The DOE approved projects specifically addressing health-and-safety concerns as well as overcrowding, early childhood education and special education needs. The SDA offered 1,112 grants to RODs during the calendar year; 398 were fully executed upon the Authority receiving all required school-district documentation and completing its review.

<b>REGULAR OPERATING DISTRICT GRANTS</b>	
<b>2009</b>	<b>Inception (2001) through 2009</b>
<b>Totals:</b> <ul style="list-style-type: none"> <li>No. of executed grants: 398</li> <li>State share: \$119.3 million</li> <li>Local share: \$171.4 million</li> <li>Overall project cost estimate: \$290.7 million</li> </ul> <b>Impact:</b> <ul style="list-style-type: none"> <li>283 schools</li> <li>134 school districts</li> <li>20 counties</li> </ul>	<b>Totals:</b> <ul style="list-style-type: none"> <li>No. of executed grants: 3,027</li> <li>State share: \$2.33 billion</li> <li>Local share: \$5.04 billion</li> <li>Overall project cost estimate: \$7.37 billion</li> </ul> <b>Impact:</b> <ul style="list-style-type: none"> <li>1,501 schools</li> <li>492 school districts</li> <li>21 counties</li> </ul>

### ***Project Portfolio***

Over the course of the year, the State expended more than \$900 million to support school construction across New Jersey. The SDA spent nearly \$555 million for projects in SDA Districts. Nearly \$350 million in additional expenditures were made to support ROD grant projects, including State funding and the local district's responsibility.

<b>2009 PROJECT EXPENDITURES: SCHOOL FACILITIES PROJECTS</b>	
SDA-managed projects	\$438,720,897
SDA demonstration projects	\$105,535,264
SDA District grant projects	\$ 10,097,781
ROD grant projects	\$348,545,353
• SDA grant expenditures	\$147,309,204
• District local share	\$201,236,149
<b>TOTAL</b>	<b>\$902,899,294</b>

*Note: For ROD grant projects, SDA funds at least 40 percent of eligible costs.  
The district's local share represents the remainder.*

## Supporting Economic Growth in New Jersey

### *Jobs Created/Sustained*

The SDA's efforts to advance projects have had the effect of creating and sustaining jobs to help New Jersey's workforce during these recessionary times. The SDA's managed projects were estimated to have created 5,940 jobs in 2009, sustaining an additional 2,460 on an average monthly basis. These figures are derived from actual headcounts for those working on SDA projects. The industry breakdown of jobs created during the year is as follows:

- 39% Construction
- 29% Real Estate and Environmental Remediation
- 19% Facilities, Furniture, Technology and Equipment Installation
- 11% Design Professionals
- 2% Construction Managers

### *Small Business Enterprise/Minority Initiatives*

The SDA far exceeded the statewide requirement of awarding at least 25 percent of contracts to Small Business Enterprises (SBE). In 2009, the SBE contract awards totaled 55 percent, up from 44 percent a year earlier and representing \$87.6 million. The table below presents key facts on the SBE program regarding contracts awarded to minority- and women-owned firms.

<b>2009 TOTAL SBE CONTRACTS AWARDED*: MINORITY- AND WOMEN-OWNED BUSINESSES</b>		
<b>Minority</b>	<b>5.3%</b>	<b>\$8.4 million</b>
• Asian	3.4%	\$5.4 million
• Hispanic	1.1%	\$1.8 million
• African-American	0.8%	\$1.3 million
<b>†Women</b>	<b>1.4%</b>	<b>\$2.2 million</b>

*\*Percentages are based on a total of \$158.6 million in contracts awarded overall by SDA.*

*†Women-owned businesses include totals for minority- and non-minority-owned.*

The SDA is committed to continuing to increase SBE participation in its contracting and will expand outreach efforts. On October 30, 2009, the SDA and the Building Contractors Association of New Jersey hosted a Contractor's Fair to help small, minority- and women-owned businesses learn about working with the SDA and the general contractors involved in the school construction program. The event attracted 250 attendees including contractors, exhibitors and panelists.

Throughout the year, the SDA also hosted roundtable discussions with minority- and women-owned businesses to discuss upcoming projects to assist in their participation,

giving attendees the opportunity to have their concerns addressed.

In addition, the SDA launched a portal on its home page ([www.njsda.gov](http://www.njsda.gov)) to provide easier access to resources for small, minority- and women-owned businesses. The portal provides general information relevant to these businesses.

## **Stewardship of Public Dollars**

While striving to deliver schools as expeditiously as possible, the SDA also continued to use and improve cost-efficiency initiatives to better ensure that taxpayer dollars are properly spent. The following cost-saving initiatives were pursued in 2009 and are discussed in this section:

- A collaborative effort with the Office of the Attorney General to protect the interests of New Jersey taxpayers by recovering costs for which the state should not be responsible.
- A design review process to ensure that previous school designs meet current educational needs and standards, and eliminate any design excesses.
- The closeout of open projects to place school buildings in the hands of the local districts, thus eliminating any ongoing state liability.

In addition to the programmatic fiscal controls outlined in this section, the SDA identified a number of internal operational efficiencies and will seek to identify more in 2010. The SDA has transferred 6,400 cubic feet of archived Authority records from a private storage facility to DocuSafe Records Management – the State’s records storage center. This move is estimated to save at least \$120,000 over the next few years. Additionally, the SDA has saved hundreds of thousands of dollars through changing vendors, tightening inventory controls and using less expensive systems for backing up Authority databases.

## ***Cost-Recovery Actions***

The SDA uses mediation and, if necessary, litigation, to recover funds from responsible parties for costs incurred to conduct environmental site remediation on school-project sites. These matters are identified and prioritized by the SDA’s Environmental Cost Recovery Initiative Team, which includes Legal, Real Estate, Environmental and Project Management staffs. The SDA then coordinates the filing of new complaints for recovery with the Office of the Attorney General. The SDA also pursues cost-recovery actions in cases in which design errors and omissions have occurred.

The SDA’s largest environmental-cost recovery occurred in December 2009 when it

received \$1.725 million from a former property owner for remediation costs related to the New Brunswick High School project. The total represents actual costs of remediating the property as well as anticipated future costs for the cleanup and monitoring of the site. The SDA continues to seek additional recoveries as well. Actions have been initiated seeking a total of \$3.2 million from responsible parties. The SDA has submitted potential complaints totaling \$5 million for the Attorney General's consideration.

The SDA also pursues recoveries in cases of design errors and omissions. Its largest 2009 recovery for errors and omissions was a combined \$6.5 million received from the project architect and contractor on a Neptune elementary school project in which errors contributed to development of mold. Also among SDA recoveries was \$2.1 million from architectural and engineering firms for costs to repair structural and design defects in an elementary school construction project in Irvington. The SDA has initiated further actions seeking an additional \$8 million on other projects.

COST-RECOVERY ACTIONS		
	Environmental	Design Error/Omission
Recovered in 2009	\$1,753,050	\$11,400,000
Recovered overall	\$2,194,354	\$13,500,000
Recoveries pending final settlement to SDA	\$8,154,276	\$0
Additional recoveries being pursued	\$3.2 million across 4 matters	\$8 million across 10 matters

### *Design Review Process*

Since the adoption of the SDA's Capital Plan in July 2008, the SDA and DOE have engaged in design reviews of projects to ensure that taxpayer dollars are most efficiently used by designing appropriately sized schools that are consistent with the district's educational needs as well as current SDA design standards. The design review process includes DOE's review of educational programs and SDA's review of designs to identify opportunities for value management and cost efficiencies.

Through 2009, the design review process identified and implemented numerous design changes in 19 projects, with millions of dollars in reduced construction costs anticipated as a result. For example, a DOE review of projected enrollment for the new Phillipsburg High School project determined that the planned capacity of the school could be reduced. Subsequent redesign by the SDA eliminated approximately 50,000 square feet of excess area. The design review process also led to the planned use of more cost-effective construction materials for the project.

The SDA's review of the Elizabeth Academic High School project resulted in redesign of the exterior wall and HVAC systems, providing improved performance at a lower cost as well as a reduction in overall building area.

### ***Closeout of Open Projects***

A multi-divisional task force formed in January 2009 is working to close out a multitude of projects, contracts and Department of Community Affairs permits that had remained open over the past several years. The initiative created a formalized project closeout procedure for Authority-managed projects. The procedure provides for standardized, consistent and timely transition of ownership of a school facilities project to the school district upon substantial completion. Closeout of contracts and permits, in addition to property transfer to the district where applicable, is tracked and memorialized through final project completion (approximately one year after construction is finished). Full project closeout occurs after school transfer and when all contracts associated with the project have been completed. The process drastically reduces the financial liability faced by the State as it decreases the inventory of buildings that should be under local school district control.

This effort has yielded significant results. As of the end of 2009, 50 percent of the projects eligible for transfer were transferred to the school districts. More than half of the transferred projects were fully closed out.

## **Organizational Strategies and Initiatives**

### ***Streamlining Design***

The SDA has determined that the use of standardized design principles would expedite design, facilitate construction inspections and advance project delivery. As a result, the Authority moved toward implementation of a “kit of parts” approach. A kit of parts may include plans for a set of modules – cafeterias, gymnasiums, classrooms and labs, for example – that can be arranged as needed to create a fairly standardized, yet still site-specific, school design. Adopting a streamlined design approach in specific aspects of construction – cafeterias, gymnasiums, and science labs and/or media centers – will expedite delivery of school projects. In 2009, the SDA identified and initiated design of the first set of standardized components that will be used in future school facilities projects. The SDA will work toward the creation of an architectural agreement using such components in 2010.

The SDA also worked to develop a Toolkit that will be a prescriptive companion document to the performance-based 21<sup>st</sup> Century Schools Design Manual. The Toolkit will provide solutions to common design problems, based on lessons learned and best practices. In the future, updates to the Design Manual and Toolkit will be issued on a three-year cycle. Between updates, new SDA requirements, best practices and lessons learned will be collected and issued as bulletins for immediate use in current projects. The Toolkit will be issued in 2010.



### ***Building Energy-Efficient and Environmentally Friendly Schools***

SDA projects are designed to adhere to the LEED (Leadership in Energy and Environmental Design) standards established by the U.S. Green Building Council (USGBC). The SDA continues to design and build school facilities that meet certain LEED-related targets, including:

#### **Energy Efficiency:**

- Improved energy performance with a minimum improvement of 14 percent for new construction.

#### **Water Efficiency:**

- Strategies that in aggregate use 20 percent less water than the water use baseline.

#### **Fundamental Refrigerant Management:**

- Zero use of chlorofluorocarbon (CFC) based refrigerants in heating, ventilation, air conditioning and refrigeration systems.

#### **Indoor Air Quality:**

- Establishing minimum indoor air quality performance to enhance air quality in buildings in both mechanically and naturally ventilated spaces.

#### **Acoustical Performance:**

- Providing classrooms and other core areas with sufficient sound control to achieve a maximum background noise level from sources such as heating, ventilating and air conditioning and other adjacent external noise sources to a maximum level of 40 decibels.

### **Improving Accountability**

#### ***Project Charter Process***

The Project Charter initiative was introduced in 2007 to require affirmative SDA Board action to approve project budgets, establish project benchmarks at the outset and establish teams to oversee a project. The initiative gave the Board additional tools to provide oversight, but in 2009 was determined to need further enhancement. Consequently, in July, the SDA introduced a new three-step project charter process. With planning, preliminary and final project charters in place, the process allows the Board to review a project at three stages of its lifecycle. The process allows the Board to ensure a project is proceeding as planned and approved.

### *Audits/Compliance*

The SDA is subject to review by various agencies to ensure that the Authority operates in a cost-effective, efficient and transparent manner that serves the taxpayers' interest.

Various other agencies, as well as the SDA's own Internal Audit Division (IAD), conduct audits of the Authority's operations and processes. The SDA works continuously to ensure that the recommendations set forth in these reports are implemented. The SDA Board's Audit Committee receives updates on the status of these efforts every two months. Since 2006, outside agencies and SDA's IAD have completed 22 audits comprising 216 recommendations. Of these, 206 recommendations, or 95 percent, have been fully implemented. Of the completed recommendations, 91 were implemented in 2009. Sixteen (16) of the 22 reports were deemed closed because all recommendations have been completed.

The SDA's commitment to the efficient use of taxpayer dollars in the school construction program involves ongoing cooperation with the Office of the Inspector General (OIG). A 2006 Memorandum of Understanding (MOU) remains in effect and governs the relationship between the OIG and the Authority. Since their assignment in 2006, two Assistant Inspectors General (AIGs) have been located at the Authority's West State Street offices. The AIGs review and investigate the Authority's operations and processes on an ongoing basis and have full and complete access to all SDA records. As necessary, the AIGs conduct interviews and otherwise interface with entities doing business with SDA, as well as with SDA staff.

# **Management's Report on Internal Financial Controls**

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## **Governance**

Pursuant to P.L.2007, c.137, s.3 (N.J.S.A. 52:18A-237) and Executive Order 122 (2004), the New Jersey Schools Development Authority (the "Authority") is required to undergo an annual financial statement audit. The Authority's 2009 financial statements have been audited by Ernst & Young LLP, an independent accounting firm. In performing its audit, Ernst & Young considered the Authority's internal control structure in determining the extent of audit procedures to be applied. In addition, Ernst & Young was given unrestricted access to all financial records and related data of the Authority, including minutes of all Board and Audit Committee meetings. Ernst & Young has issued an unqualified opinion on the Authority's 2009 financial statements, which audit report, dated March 26, 2010, is presented on page 1 of the 2009 financial statements.

The Authority is responsible for both the accuracy of the financial data and the completeness and fairness of its presentation, including all disclosures. The financial statements are prepared in accordance with accounting principles generally accepted in the United States. In preparing the financial statements, management makes informed judgments and estimates as to the expected effects of events and transactions that are currently being reported.

The Audit Committee assists the Board in fulfilling its oversight responsibilities for the integrity and quality of the Authority's financial statements, the financial reporting process, the system of internal controls, the external auditor's qualifications and independence, the performance of the Authority's internal audit function and external auditors, the audit process and the Authority's process for monitoring compliance with laws, regulations and ethical requirements. The Audit Committee periodically meets with management, as well as the SDA's independent accountant and internal auditor. Both the independent accountant and the internal auditor have unrestricted access to the Audit Committee. For a portion of at least two meetings a year, the Audit Committee meets separately with the independent accountant to discuss internal controls and other financial matters.

The Authority's Corporate Governance and Compliance Division administers the "Status of Audit Reports" and collects management responses to internal and external audit findings, which report is disseminated and reviewed with the Audit Committee bi-monthly. In addition, the internal auditors review these responses as part of a risk assessment to identify future audits. Management considers the internal and external auditors' recommendations concerning the Authority's internal controls and takes appropriate responsive action. Though corrective actions have been taken in response to certain internal control deficiencies, further management action is required to

appropriately address other internal control areas. Management views these kinds of remedial actions as part of a long-term continuous process to improve internal controls and efficiencies.

## **Budgetary and Financial Controls**

The Authority maintains a system of internal controls to provide reasonable assurance that transactions are executed in accordance with management's requirements and authority, responsibilities are appropriately segregated, the financial statements are prepared in accordance with accounting principles generally accepted in the United States, and the assets of the Authority are properly safeguarded. Since internal controls are designed to provide reasonable, but not absolute, assurance that these objectives are met, there are inherent limitations in the effectiveness of any system of internal controls. The concept of reasonable assurance generally recognizes that: (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management. These internal controls are subject to continuous evaluation by the Authority's management.

### ***Budgetary Controls***

The Authority maintains budgetary controls to ensure operating expenditures do not exceed the annual level approved by the Board. An actual versus budget analysis of accounts is performed monthly and the results are summarized and presented to the Audit Committee in a monthly report. The Authority may also allocate a portion of its operating budget for various internal capital projects such as expenditures for leasehold improvements, and the acquisition of equipment, computer software, furniture and fixtures. The Authority's *Capitalization & Depreciation* policy prescribes when capitalization of an asset is appropriate.

In addition, the Authority develops and maintains comprehensive project budgets and schedules for each of the school facilities projects that it manages. The Authority uses Primavera software products to manage these project budgets and schedules. Project budgets include all financial aspects of a project and are reviewed and revised monthly, as necessary. The data obtained from regular monthly re-forecasting sessions are used to track the current and anticipated status of projects relative to their approved budgets; the results are then summarized and presented to the Audit Committee in a monthly report.

### ***Financial Controls***

The Authority maintains financial controls through the use of an integrated accounting and budgeting system which enables it to access, analyze and report financial data. Furthermore, the Authority uses financial reporting software to: (1) efficiently and effectively manage its internal financial operations by automating various financial reporting processes; (2) identify financial trends; and (3) generate accurate and timely financial data. These capabilities are continuously improved to meet new information needs.

To ensure the adequacy of the Authority's internal controls, policies and procedures are issued and periodically updated. These policies and procedures include a Code of Ethics to

foster a strong ethical climate, and are communicated to the Authority's employees as deemed appropriate. The Authority has established a Policy Committee, comprising executives and senior management, which is responsible for developing, reviewing and disseminating the Authority's policies and procedures. These policies and procedures provide a system of internal controls and accountability which is designed to safeguard the Authority's assets. The Authority's internal auditors periodically review the Authority's adherence to internal control policies and procedures.

The Authority has issued an *Operating Authority* policy approved by the Board that designates those persons who are required (either generally or in specific transactions) to approve contracts and/or to execute documents legally binding on the Authority, or to sign checks and approve disbursements on behalf of the Authority. Several other policies and procedures (or other analogous documents, including, but not limited to: policy notices, bulletins, standard operating procedures, etc.) have been implemented in the areas of accounting, accounts payable, procurement and project management.

### ***Audits of Projects Exceeding \$10 Million***

The program's new funding legislation (P.L. 2008, c. 39) directs the SDA, in consultation with the State Comptroller, "to cause an audit to be conducted of any school facilities project that has a State share that exceeds \$10 million."

During 2009, the Authority's Internal Audit staff, in consultation with the State Comptroller, finalized a comprehensive audit program that will be used to audit school facilities projects subject to the statutory audit directive.



## **Certifications Pursuant to Section 22c of Executive Order 37**

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I certify that, to the best of my knowledge, the financial information provided to the Authority's independent auditors in connection with their audit of the 2009 financial statements is accurate, and that such information fairly presents the financial condition and operational results of the Authority as of December 31, 2009 and for the year then ended.



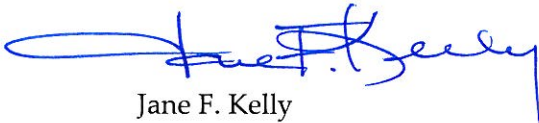
Donald Guarriello, Jr.  
Chief Financial Officer

I certify that, to the best of my knowledge, the financial information provided to the Authority's independent auditors in connection with their audit of the 2009 financial statements is accurate, and that such information fairly presents the financial condition and operational results of the Authority as of December 31, 2009 and for the year then ended.



Thomas DiGangi  
Acting Vice President, Chief Operating Officer

I certify that, to the best of my knowledge, the financial information provided to the Authority's independent auditors in connection with their audit of the 2009 financial statements is accurate, and that such information fairly presents the financial condition and operational results of the Authority as of December 31, 2009 and for the year then ended.



Jane F. Kelly  
Vice President, Corporate Governance and Compliance

## Certifications Pursuant to Section 2 of Executive Order 37

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In accordance with Executive Order 37 issued by Governor Jon S. Corzine on September 26, 2006, please find enclosed the New Jersey Schools Development Authority's (the "Authority") 2009 comprehensive report of Authority operations (the "2009 Annual Report"). This report highlights the significant actions of the Authority for the year ending December 31, 2009, including the degree of success the SDA had in promoting the State's economic growth strategies and other policies during the year.

The report of independent auditors, issued by Ernst and Young LLP on March 26, 2010, is included within the financial statements section of the 2009 Annual Report. The completion of the audit report fulfills the Authority's requirements under Executive Order 37 and the audit requirements of Executive Order 122 (2004).

### Executive Order 37 Section 2 Certifications:

I, Thomas DiGangi, certify that, from January 1, 2009, to December 31, 2009, the Authority has, to the best of my knowledge, followed all of its standards, procedures and internal controls.



Thomas DiGangi  
Acting Vice President, Chief Operating Officer

I, Jane F. Kelly, certify that, from January 1, 2009, to December 31, 2009, the Authority has, to the best of my knowledge, followed all of its standards, procedures and internal controls.



Jane F. Kelly  
Vice President, Corporate Governance and Compliance

## **Executive Staff and Authority Information**

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**Marc D. Larkins**, Chief Executive Officer

**Jason E. Ballard**, Chief of Staff

**Thomas J. DiGangi Jr.**, Acting Vice President and Chief Operating Officer

**Donald R. Guarriello Jr.**, Vice President, Chief Financial Officer

**Jane F. Kelly**, Vice President, Corporate Governance & Compliance

**Andrew D. Yosha**, Vice President, Program Management & Planning

## **Schools Development Authority Offices**

### **Headquarters**

1 West State Street  
Trenton, NJ 08625-0991  
609.943.5955

### **Trenton Regional Office**

32 East Front Street  
Trenton, NJ 08625-0991  
609.292.5788

### **Northern Regional Office**

375 McCarter Highway  
Newark, NJ 07114  
973.648.8335



**Website:** [www.njsda.gov](http://www.njsda.gov)

**Email Address:** [schools@njsda.gov](mailto:schools@njsda.gov)

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**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY**  
(a component unit of the State of New Jersey)

**FINANCIAL STATEMENTS AND SUPPLEMENTARY  
INFORMATION**

For the Year Ended December 31, 2009

New Jersey Schools Development Authority  
(a component unit of the State of New Jersey)

Financial Statements and Required Supplementary Information

For the Year Ended December 31, 2009

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## Report of Independent Auditors

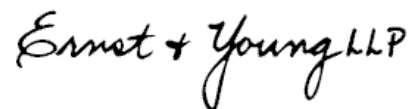
Members of the Authority  
New Jersey Schools Development Authority

We have audited the accompanying basic financial statements of the New Jersey Schools Development Authority (the Authority), a component unit of the State of New Jersey, as of December 31, 2009 and for the year then ended as listed in the table of contents. These financial statements are the responsibility of the Authority's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. We were not engaged to perform an audit of the Authority's internal control over financial reporting. Our audit included consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, and evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the New Jersey Schools Development Authority as of December 31, 2009, and the changes in its financial position for the year then ended in conformity with U.S. generally accepted accounting principles.

Management's discussion and analysis and the schedule of funding progress on pages 2 to 7 and page 29 are not a required part of the basic financial statements but are supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of this required supplementary information. However, we did not audit the information and express no opinion on it.

A handwritten signature in black ink that reads 'Ernst & Young LLP'.

March 26, 2010

New Jersey Schools Development Authority  
(a component unit of the State of New Jersey)

Management's Discussion and Analysis

For the Year ended December 31, 2009

This section of the New Jersey Schools Development Authority's (the "Authority" or "SDA") annual financial report presents our discussion and analysis of the Authority's financial performance during the fiscal year ended December 31, 2009. This management discussion and analysis should be read in conjunction with the Authority's financial statements and accompanying notes.

**Background**

The SDA was established on August 6, 2007 to replace the New Jersey Schools Construction Corporation ("SCC") pursuant to reform legislation (P.L.2007, c.137) enacted by Governor Jon S. Corzine. As of the date of the legislation, the SCC was dissolved and all its functions, powers, duties and employees were transferred to the SDA. Organizationally, the Authority is situated in, but not of, the New Jersey Department of the Treasury.

The School Construction Program is the largest public construction program undertaken by the State of New Jersey ("State") and represents one of the largest school construction programs ever undertaken in the nation. The program was initiated in response to the New Jersey Supreme Court's decision in Raymond Abbott et al. v. Fred G. Burke, 153 N.J. 480 (1998), which eventually led to the Legislature's adoption of the Educational Facilities Construction and Financing Act, P.L.2000, c.72 ("EFCFA") on July 18, 2000. The EFCFA, as amended in P.L.2008, c.39, provides for an aggregate \$12.5 billion principal amount of bond proceeds ("EFCFA funding") to be issued by the New Jersey Economic Development Authority ("EDA"), the financing agent for the School Construction Program, and transferred to the Authority. Of this amount, \$8.9 billion is allocated to 31 poor, urban school districts referred to as the "SDA Districts" (formerly Abbott Districts), \$3.45 billion is for non-SDA districts ("Regular Operating Districts") and \$150 million is reserved for vocational schools.

**School Construction Program Authorized Funding and Disbursements**

The Authority does not have an economic interest in any school facility project. With the exception of interest income on invested funds, the Authority does not generate substantial operating revenues, yet it incurs significant operating expenses to administer the School Construction Program. Costs related to school facilities projects are reported as school facilities project costs in the statement of activities. Administrative and general expenses, considered to be eligible project costs under the EFCFA, but not identifiable to a specific project, are also paid from EFCFA funding.

Through December 31, 2009, the Authority has received \$8.146 billion of the designated \$12.5 billion principal amount of bond proceeds authorized for the School Construction Program. In addition, as of that date, the Authority has disbursed 62.5% of the current program funding, as follows:

	<b><u>Bonding Cap</u></b>	<b><u>Program Funding</u><sup>1</sup></b>	<b><u>Disbursements</u></b>	<b><u>% Paid</u></b>
SDA Districts	\$8,900,000,000	\$9,007,407,906	\$5,563,542,834	61.8%
Regular Operating Districts	3,450,000,000	3,493,312,935	2,258,096,052	64.6%
Vocational Schools	150,000,000	151,730,727	89,795,729	59.2%
Totals	<u>\$12,500,000,000</u>	<u>\$12,652,451,568</u>	<u>\$7,911,434,615</u>	62.5%

<sup>1</sup> Program funding includes the amounts authorized under the respective bonding caps in addition to the \$152 million of other income and miscellaneous revenue earned through December 31, 2009.

The 31 SDA Districts are located in 14 Counties throughout the State, as follows:

<b><u>County</u></b>	<b><u>School District</u></b>	<b><u>County</u></b>	<b><u>School District</u></b>
Atlantic	Pleasantville	Hudson	Union City
Bergen	Garfield	Hudson	West New York
Burlington	Burlington City	Mercer	Trenton
Burlington	Pemberton Township	Middlesex	New Brunswick
Camden	Camden	Middlesex	Perth Amboy
Camden	Gloucester City	Monmouth	Asbury Park
Cumberland	Bridgeton	Monmouth	Keansburg
Cumberland	Millville	Monmouth	Long Branch
Cumberland	Vineland	Monmouth	Neptune Township
Essex	East Orange	Passaic	Passaic City
Essex	Irvington	Passaic	Paterson
Essex	Newark	Salem	Salem City
Essex	Orange	Union	Elizabeth
Hudson	Harrison	Union	Plainfield
Hudson	Hoboken	Warren	Phillipsburg
Hudson	Jersey City		

In 2009, the Authority completed 16 school facilities projects across New Jersey, including 13 in the SDA Districts and three in Regular Operating Districts. The 16 completed projects consist of 10 new schools and six extensive additions, renovations and/or rehabilitation projects. In all, nearly 13,000 students benefited from these school facilities projects.

From inception through December 31, 2009, the School Construction Program has completed 615 projects in the SDA Districts. The completed projects consist of: 59 new schools, including 6 demonstration projects; 44 extensive additions, renovations and/or rehabilitations; 21 smaller rehabilitation projects; 354 health and safety projects; and 137 Section 13 Grants for SDA District-managed projects under \$500,000. The demonstration projects serve as a cornerstone of revitalization efforts and are funded by the Authority but managed by a municipal redevelopment entity and redeveloper. In addition, in the Regular Operating Districts the Authority has completed 22 projects that it managed for the districts,

and state funding was provided through Section 15 Grants for 2,160 school projects throughout the 21 counties of New Jersey.

As of December 31, 2009, the SDA has 11 active construction projects in the SDA Districts and an additional 5 projects ongoing in Regular Operating Districts. In addition, pre-construction activity has commenced on many other projects approved in the Authority's 2008 Capital Plan. Furthermore, an additional 132 emergent needs conditions have been identified as requiring immediate attention in the SDA Districts. The SDA is managing 50 of the emergent projects and the balance of projects have been delegated to the districts. Emergent needs projects consist of such things as roof repairs or replacements; deteriorating façades; water infiltration; heating and cooling system issues; and plumbing, electrical, mechanical and security systems. The Authority maintains a program reserve to address such emergent conditions and other unforeseen events.

The following un-audited information provides insight into the activities of the School Construction Program during the last five years and is not intended to be presented in accordance with generally accepted accounting principles.

	<b>\$ In thousands</b>				
	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
EFCFA funding received from State	\$775,000	\$450,000	\$800,000	\$600,000	\$2,075,000
Investment earnings	2,345	12,060	25,697	39,702	17,473
Administrative and general expenses	44,707	41,021	35,750	31,717	29,127
Capital expenditures	234	526	1,027	349	194
School facilities project costs	509,462	922,824	925,665	1,061,962	1,466,536
Employee count at end of year	332	298	272	241	240

### **2009 Financial Highlights**

- At year end net assets total \$189.5 million
- Cash and cash equivalents are \$410.1 million
- Revenues are \$777.6 million, \$775 million of which is from EFCFA funding received from the State (or 99.7%)
- Expenses are \$555.7 million, \$509.5 million of which is for school facilities project costs (or 91.7%)
- Excess of general fund revenues over general fund expenditures is \$224.6 million

### **Overview of the Financial Statements**

The financial section of this annual report consists of three parts: Management's Discussion and Analysis (this section); the basic financial statements; and required supplementary information. The Authority's basic financial statements consist of three components: 1) government-wide financial statements; 2) governmental fund financial statements (these are also referred to as the "general fund" financial statements); and 3) notes to financial statements. Because the Authority operates a single governmental program, its government-wide and governmental fund financial statements have been combined using a columnar

format that reconciles individual line items of general fund financial data to government-wide data in a separate column on the face of the financial statement.

Government-wide financial statements are designed to provide readers with a broad overview of the Authority's finances, in a manner similar to a private sector business. The statement of net assets presents information on all of the Authority's assets and liabilities, with the difference between the two reported as net assets. Over time, an increase or decrease in net assets may serve as a useful indicator of whether the financial position of the Authority is improving or deteriorating.

The statement of activities presents information showing how the Authority's net assets changed during the most recent period. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of the related cash flows. Thus, revenue and expenses are reported in this statement for some items that will only result in cash flows in the future fiscal period.

Governmental fund financial statements are designed to provide the reader information about an entity's various funds. A fund is a grouping of related accounts that is used to maintain control over the resources that have been segregated for specific activities or objectives. The Authority uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The Authority operates a single governmental fund for financial reporting purposes and this fund is considered a general fund.

The focus of governmental fund financial statements is on near-term inflows and outflows of spendable resources as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating the Authority's near-term financing requirements.

Because the focus of the governmental fund is narrower than that of the government-wide financial statements, it is useful to compare the information presented for the governmental fund with similar information presented in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the Authority's near-term financing decisions. Both the fund balance sheet and the financial statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison.

### **Financial Analysis of the Authority**

**Net Assets** - The Authority's net assets increased to \$189.5 million at year-end, primarily due to 2009 State funding under the EFCFA (\$775 million) exceeding 2009 expenditures for school facilities projects (\$509.5 million). The following table summarizes the Authority's financial position at December 31, 2009 and 2008.



	\$ In thousands			
	2009	2008	\$ Increase/ (Decrease)	% Increase/ (Decrease)
Current assets	\$413,171	\$331,476	\$81,695	24.6%
Capital assets-net	3,731	4,998	(1,267)	(25.3)%
Total assets	\$416,902	\$336,474	\$80,428	23.9%
Current liabilities	\$218,131	\$361,005	\$(142,874)	(39.6)%
Non-current liabilities	9,273	7,907	1,366	17.3%
Total liabilities	227,404	368,912	(141,508)	(38.4)%
Net assets/(deficit):				
Invested in capital assets	3,731	4,998	(1,267)	(25.3)%
Restricted for schools construction special revenue fund	185,767	(37,436)	223,203	596.2%
Total net assets/(deficit)	189,498	(32,438)	221,936	684.2%
Total liabilities and net assets/(deficit)	\$416,902	\$336,474	\$80,428	23.9%

**Operating Activities** - During the bidding process, the Authority charges a minimal fee ranging from \$50 up to \$500 for copies of design plans and specifications as specified in the construction project advertisements.

The Authority earns interest on invested funds primarily through its participation in the State Cash Management Fund, a fund managed by the Division of Investment under the Department of Treasury. The fund consists of U.S. Treasury obligations, government agencies obligations, certificates of deposit and commercial paper.

The following table summarizes the change in net assets for the years ended December 31, 2009 and 2008.

	\$ In thousands			
	2009	2008	\$ Increase/ (Decrease)	% Increase/ (Decrease)
<b>Revenues</b>				
EFCFA funding received from State	\$775,000	\$450,000	\$325,000	72.2%
Bidding fees-plans and specs	52	33	19	58.3%
Investment earnings	2,345	12,060	(9,715)	(80.6)%
Rental property income	202	78	124	157.5%
Other revenue	7	112	(105)	(93.4)%
Total revenues	777,606	462,283	315,323	68.2%

	\$ In thousands			
	2009	2008	\$ Increase/ (Decrease)	% Increase/ (Decrease)
<b>Expenses</b>				
Administrative and general expenses	44,707	41,021	3,686	9.0%
Depreciation	1,501	1,672	(171)	(10.3)%
School facilities project costs	509,462	922,824	(413,362)	(44.8)%
Total expenses	555,670	965,517	(409,847)	(42.4)%
Change in net assets	221,936	(503,234)	725,170	144.1%
Beginning net assets – as previously stated	(32,438)	477,708	(510,146)	(106.8)%
Adjustment to beginning net assets *	-	(6,912)	6,912	100.0%
Beginning net assets/(deficit) – as restated	(32,438)	470,796	(503,234)	(106.9)%
Ending net assets/(deficit)	\$189,498	\$(32,438)	\$221,936	684.2%

\* Restated for the effects of Governmental Accounting Standards Board Statement No. 49.

### Contacting the Authority's Financial Management

This financial report is designed to provide New Jersey citizens and taxpayers, and the Authority's customers, clients and creditors, with a general overview of the Authority's finances and to demonstrate the Authority's accountability for the funds it receives from the State. If you have questions about this report or need additional financial information, contact the Office of the Chief Financial Officer, New Jersey Schools Development Authority, P.O. Box 991, Trenton, NJ 08625-0991, or visit our web site at [www.njsda.gov](http://www.njsda.gov).

New Jersey Schools Development Authority  
(a component unit of the State of New Jersey)

Statement of Net Assets and General Fund Balance Sheet

December 31, 2009

	<b>General Fund Total</b>	<b>Adjustments (Note 8)</b>	<b>Statement of Net Assets</b>
<b>Assets</b>			
Cash and cash equivalents	\$410,084,560		\$410,084,560
Receivables	2,721,937		2,721,937
Prepaid expenses	365,107		365,107
Capital assets-net of accumulated depreciation of \$10,006,739		\$3,730,881	3,730,881
Total assets	<u>\$413,171,604</u>	<u>\$3,730,881</u>	<u>\$416,902,485</u>
<b>Liabilities</b>			
Accrued school facilities project costs	\$193,156,031		\$193,156,031
Other post-employment benefits obligation		4,160,040	4,160,040
Other accrued liabilities	1,836,835	5,112,893	6,949,728
Deposits	23,138,607		23,138,607
Total liabilities	<u>218,131,473</u>	<u>9,272,933</u>	<u>227,404,406</u>
<b>Fund Balance/Net Assets</b>			
Invested in capital assets		3,730,881	3,730,881
Nonspendable:			
Prepaid expenses	365,107	(365,107)	
Restricted:			
Schools construction special revenue fund	194,675,024	(8,907,826)	185,767,198
Total fund balance/net assets	<u>195,040,131</u>	<u>(5,542,052)</u>	<u>189,498,079</u>
Total liabilities and fund balance/net assets	<u>\$413,171,604</u>	<u>\$3,730,881</u>	<u>\$416,902,485</u>

*See accompanying notes.*

New Jersey Schools Development Authority  
(a component unit of the State of New Jersey)

Statement of Activities and General Fund Revenues,  
Expenditures and Changes in Fund Balances

For the Year Ended December 31, 2009

	<b>General Fund Total</b>	<b>Adjustments (Note 8)</b>	<b>Statement of Activities</b>
<b>Revenues</b>			
School Construction Program:			
EFCFA funding received from State	\$775,000,000		\$775,000,000
Bidding fees-plans and specs	51,700		51,700
General:			
Investment earnings	2,342,411	\$2,478	2,344,889
Rental property income	201,815		201,815
Other revenue	7,388		7,388
Total revenues	<u>777,603,314</u>	<u>2,478</u>	<u>777,605,792</u>
<b>Expenditures/Expenses</b>			
Administrative and General:			
Salaries and benefits	31,055,472	1,368,524	32,423,996
Other administrative and general	12,282,966		12,282,966
Capital expenditures	233,969	(233,969)	-
Capital depreciation		1,500,778	1,500,778
School facilities project costs	509,461,571		509,461,571
Total expenditures/expenses	<u>553,033,978</u>	<u>2,635,333</u>	<u>555,669,311</u>
Excess of revenues over expenditures	224,569,336	(2,632,855)	
Change in net assets			221,936,481
<b>Fund Balance/Net Assets (Deficit)</b>			
Beginning of year, January 1, 2009	<u>(29,529,205)</u>	<u>(2,909,197)</u>	<u>(32,438,402)</u>
End of year, December 31, 2009	<u>\$195,040,131</u>	<u>\$(5,542,052)</u>	<u>\$189,498,079</u>

*See accompanying notes.*

New Jersey Schools Development Authority  
(a component unit of the State of New Jersey)

Notes to Financial Statements

**1. Nature of the Authority**

The New Jersey Schools Development Authority (the “Authority” or “SDA”) was established on August 6, 2007 to replace the New Jersey Schools Construction Corporation (“SCC”) pursuant to reform legislation (P.L.2007, c.137). As of the date of the legislation, the SCC was dissolved and all its functions, powers, duties and employees were transferred to the SDA. The Authority is governed by its own Board of Directors and is fiscally dependent upon the State of New Jersey (“State”) for funding. Organizationally, the Authority is situated in, but not of, the New Jersey Department of the Treasury.

The School Construction Program was initiated in response to the New Jersey Supreme Court’s decision in Raymond Abbott et al. v. Fred G. Burke, 153 N.J. 480 (1998), which eventually led to the Legislature’s adoption of the Educational Facilities Construction and Financing Act, P.L.2000, c.72 (“EFCFA”) on July 18, 2000. The EFCFA, as amended in P.L.2008, c.39, provides for an aggregate \$12.5 billion principal amount of bond proceeds (“EFCFA funding”) to be issued by the New Jersey Economic Development Authority (“EDA”), the financing agent for the School Construction Program, and transferred to the Authority. Of this amount, \$8.9 billion is allocated to 31 poor, urban school districts referred to as the “SDA Districts” (formerly Abbott Districts), \$3.45 billion is for non-SDA districts (“Regular Operating Districts”) and \$150 million is reserved for vocational schools.

**2. Summary of Significant Accounting Policies**

**(a) Government-Wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net assets and the statement of activities) report information on all the activities of the Authority.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific program. Program revenues include (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment, and (2) EFCFA funding received from the State which monies are restricted to meeting either the operational or capital requirements of the School Construction Program.

Separate financial statements are provided for the Authority’s governmental fund (these are also referred to as the “general fund” financial statements). Because the Authority operates a

New Jersey Schools Development Authority  
(a component unit of the State of New Jersey)

Notes to Financial Statements (continued)

single governmental program, its government-wide and governmental fund financial statements have been combined using a columnar format that reconciles individual line items of general fund financial data to government-wide data in a separate column on the face of the financial statement.

**(b) Measurement Focus, Basis of Accounting, and Financial Statement Presentation**

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows.

The Authority's governmental fund is classified as a general fund and its financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Authority considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual basis accounting; however, expenditures related to compensated absences and certain other accruals are recorded only when payment is due. With regard to the Authority's restricted schools construction special revenue fund, restricted amounts are considered to have been spent only after the expenditure is incurred for which there is available restricted fund balance.

**(c) Revenue Recognition**

The Authority charges a minimal fee during the bidding process for copies of the design plans and specifications as specified in the construction project advertisements. Rental revenue is received under month-to-month lease occupancy agreements. Acquisitions of various properties for the construction of school facilities projects generate rental revenue prior to the relocation of the occupants. Fees and rental revenues are generally recognized when received.

**(d) Rebatable Arbitrage**

Rebatable arbitrage is defined by Internal Revenue Code (IRC) Section 148 as earnings on investments purchased with the gross proceeds of a bond issue in excess of the amount that would have been earned if the investments were invested at a yield equal to the yield on the bond issue. The amount of rebates due the federal government is determined and payable during each five-year period and upon final payment of the tax-exempt bonds. The Authority, the EDA and the New Jersey Department of the Treasury, Office of Public Finance have determined that any rebatable arbitrage liability associated with an issue of

New Jersey Schools Development Authority  
(a component unit of the State of New Jersey)

Notes to Financial Statements (continued)

School Facilities Construction Bonds shall be recorded on the Authority's books since the Authority retains the income on the investment of bond proceeds.

It is the Authority's policy to record arbitrage rebate liabilities only when it is probable that any excess investment income, as defined above, will not be retained by the Authority. The Authority does not record rebate liabilities in cases where it is projected that the liability will be negated by the 24-month spending exception in accordance with the IRC.

Rebatable arbitrage calculations have been performed for all series of School Facilities Construction Bonds up through 2006 Series R and S. Based on these calculations, the Authority has recorded a cumulative arbitrage rebate liability of \$4,193,775, related to 2005 Series P-Q, on the statement of net assets as of December 31, 2009, with a corresponding current period charge or credit to investment earnings on the statement of activities of \$2,478 (credit) and \$1,539,113, respectively, for the years ended December 31, 2009 and 2008. This accumulated rebate liability is estimated to be payable to the federal government on September 1, 2010.

**(e) Cash Equivalents**

Cash equivalents consist of highly liquid debt instruments with original maturities of three months or less, and participation in the State's Cash Management Fund ("NJCMF"), a fund managed by the Division of Investment under the Department of Treasury. It consists of U.S. Treasury obligations, government agencies obligations, certificates of deposit and commercial paper. Cash equivalents are stated at fair value.

**(f) Prepaid Expenses**

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and governmental fund financial statements.

**(g) Capital Assets**

Capital assets are reported in the governmental activity column in the government-wide financial statements and are recorded at historical cost or estimated historical cost if purchased and constructed. The Authority's current capitalization threshold is \$10,000 for individual items meeting all other capitalization criterion. As of December 31, 2009, the Authority's capital assets consist of leasehold improvements, equipment, computer software and furniture and fixtures. Depreciation is provided by the straight-line method over the shorter of the life of the lease or the useful life of the related asset.

**(h) Taxes**

The Authority is exempt from all federal and state income taxes and real estate taxes.



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Notes to Financial Statements (continued)

**(i) Use of Estimates**

The preparation of financial statements in conformity with accounting principles generally accepted in the United States requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

**(j) Recent Accounting Pronouncements**

In March 2009, the Governmental Accounting Standards Board ("GASB") issued Statement No. 54, "*Fund Balance Reporting and Governmental Fund Type Definitions*." GASB Statement No. 54 establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds. Although GASB Statement No. 54 is effective for periods beginning after June 15, 2010, the Authority has elected early implementation of this statement effective for the year ending December 31, 2009. The implementation of this statement creates new categories for segregating the Authority's fund balance and also requires disclosure in the financial statements of any minimum fund balance policies and clarifies the definition of special revenue funds.

**3. Cash, Cash Equivalents and Investments**

**(a) Cash Flows**

Overall cash and cash equivalents increased during the year by \$79.8 million to \$410.1 million as follows:

Cash and cash equivalents, beginning of year	\$330,260,566
Changes in cash:	
EFCFA funding received from State	775,000,000
Investment and interest income	2,197,675
Miscellaneous revenue	260,902
School facilities project costs	(613,756,613)
Administrative and general expenses	(43,258,213)
Capital expenditures	(243,801)
Deposits	(40,375,956)
Cash and cash equivalents, end of year	<u>\$410,084,560</u>

**(b) Cash and Cash Equivalents**

Operating cash, in the form of Negotiable Order of Withdrawal ("NOW") accounts, is held in the Authority's name by two commercial banking institutions. At December 31, 2009, the carrying amount of operating cash is \$1,750,492 and the bank balance is \$2,509,812.

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Regarding the amount held by commercial banking institutions, up to \$250,000 at each institution is insured with Federal Deposit Insurance.

Pursuant to GASB Statement No. 40, “*Deposit and Investment Risk Disclosures*,” NOW accounts are profiled in order to determine exposure, if any, to custodial credit risk (risk that in the event of failure of the counterparty the account owner would not be able to recover the value of its deposits or investment). Deposits are considered to be exposed to custodial credit risk if they are: uninsured and uncollateralized (securities not pledged to the depositor); collateralized with securities held by the pledging financial institution; or collateralized with securities held by the financial institution’s trust department or agent but not in the government’s name. At December 31, 2009, all of the Authority’s deposits were insured or collateralized by securities held in its name and, accordingly, not exposed to custodial credit risk. The Authority does not have a policy for custodial credit risk.

As of December 31, 2009, cash and cash equivalents include deposits of \$23,112,515 for district local share funding requirements (see Note 5) and \$26,092 for bond refunding expenses.

**(c) Investments**

In order to maximize liquidity, the Authority utilizes the NJCMF as its sole investment. The NJCMF invests pooled monies from various State and non-State agencies in primarily short-term investments. These investments include: U.S. Treasuries; short-term commercial paper; U.S. Agency Bonds; Corporate Bonds; and Certificates of Deposit. Agencies that participate in the NJCMF typically earn returns that mirror short-term investment rates. Monies can be freely added or withdrawn from the NJCMF on a daily basis without penalty. At December 31, 2009, the Authority’s investments in the NJCMF total \$408,333,768.

*Custodial Credit Risk:* Pursuant to GASB Statement No. 40, the NJCMF, which is a pooled investment, is exempt from custodial credit risk disclosure. As previously stated, the Authority does not have a policy for custodial credit risk.

*Credit Risk:* The Authority does not have an investment policy regarding the management of credit risk. GASB Statement No. 40 requires that disclosure be made as to the credit rating of all debt security investments except for obligations of the U.S. government or investments guaranteed by the U.S. government. The NJCMF is not rated by a rating agency.

*Interest Rate Risk:* The Authority does not have a policy to limit interest rate risk. The average maturity of the Authority’s sole investment, the NJCMF, is less than one year.

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Notes to Financial Statements (continued)

**4. Prepaid Expenses**

As of December 31, 2009, the Authority's prepaid expenses are as follows:

Office rents	\$205,804
Security deposits	149,572
Other	<u>9,731</u>
Total prepaid expenses	<u><u>\$365,107</u></u>

**5. Deposits**

The Authority has received funds from several local school districts as required by Local Share Agreements for the funding of the local share portion of Regular Operating District school facility projects, or to cover certain ineligible costs pertaining to projects in the SDA Districts. These deposits, including investment earnings, are reflected as liabilities in the accompanying financial statements.

As of December 31, 2009, local share deposits held in SDA bank accounts, inclusive of interest earned but not refunded to the district, are as follows:

<b><u>Local School District</u></b>	
Greater Egg Harbor	\$8,907,233
Egg Harbor City	5,967,910
City of Newark	3,975,539
Buena Borough	2,213,552
Egg Harbor Township	1,205,570
Other	<u>842,711</u>
Total local share deposits	<u><u>\$23,112,515</u></u>

**6. Rental of Office Space**

The Authority rents commercial office space for its headquarters facility in Trenton, as well as rents office space to house its two regional offices located in Trenton and Newark. The remaining terms of these leases range from ten months to over four years. Total rental expense for the year ended December 31, 2009 amounted to \$2,081,726.

Future rent commitments under operating leases are as follows:

2010	\$2,086,802
2011	1,768,635
2012	1,787,312
2013	1,585,479
2014	<u>127,617</u>
Total future rent expense	<u><u>\$7,355,845</u></u>

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**7. Capital Assets**

Capital asset activity for the year ended December 31, 2009 is as follows:

	<b>Beginning Balance</b>	<b>Additions</b>	<b>Retirements</b>	<b>Ending Balance</b>
Leasehold improvements	\$7,808,456	\$37,509	\$ -	\$7,845,965
Office furniture and equipment	4,618,796	476,141	-	5,094,937
Computer software	568,993	-	-	568,993
Automobiles	149,256	48,079	-	197,335
Construction in progress	358,150	(327,760)	-	30,390
Capital assets-gross	13,503,651	233,969	-	13,737,620
Less: accumulated depreciation	8,505,961	1,500,778	-	10,006,739
Capital assets-net	<u>\$4,997,690</u>	<u>\$(1,266,809)</u>	<u>\$ -</u>	<u>\$3,730,881</u>

Construction in progress at December 31, 2009 consists of ongoing leasehold improvements.

**8. Reconciliation of Government-Wide and Fund Financial Statements**

**(a) Explanation of certain differences between the governmental fund balance sheet and the government-wide statement of net assets**

“Total fund balances” for the Authority’s general fund (\$195,040,131) differs from the “net assets” reported on the statement of net assets (\$189,498,079). This difference results from the long-term economic focus of the statement of net assets versus the current financial resources focus of the fund balance sheet. When capital assets that are to be used in the Authority’s activities are constructed or acquired, the costs of those assets are reported as expenditures in the fund financial statements. However, the statement of net assets includes those capital assets among the assets of the Authority as a whole. In addition, expenses associated with depreciation, arbitrage rebate (shown as a reduction in investment earnings) and non-current other post-employment benefits and compensated absences are not recorded in the fund financial statements.

Fund balances	\$195,040,131
Capital assets, net of related depreciation of \$10,006,739	3,730,881
Accrued other post-employment benefits	(4,160,040)
Accrued arbitrage rebate	(4,193,775)
Accrued compensated absences	(919,118)
Net assets	<u>\$189,498,079</u>

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**(b) Explanation of certain differences between the governmental fund statement of revenues, expenditures, and changes in fund balances and the government-wide statement of activities**

The governmental fund statement of revenues, expenditures, and changes in fund balances includes a reconciliation between excess of expenditures over revenues and changes in net assets as reported in the government-wide statement of activities. Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. Also, some expenses reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in governmental funds.

Excess of revenues over expenditures	\$224,569,336
Arbitrage rebate	2,478
Other post-employment benefits expense	(1,301,536)
Compensated absences expense	(66,988)
Capital asset acquisitions	233,969
Depreciation expense	(1,500,778)
Changes in net assets	<u>\$221,936,481</u>

**9. Pollution Remediation Obligations**

In accordance with GASB Statement No. 49, *“Accounting and Financial Reporting for Pollution Remediation Obligations,”* the Authority has recorded in the statement of net assets and general fund balance sheet a pollution remediation obligation (PRO) liability (net of environmental cost recoveries not yet realized) in the amount of \$42,526,092 as of December 31, 2009. Additionally, as of the same date the Authority has recorded in the statement of net assets and general fund balance sheet a receivable in the amount of \$558,297 for realized environmental cost recoveries. The Authority’s PRO liability and asset are charged or credited to school facilities project costs in the statement of activities and general fund revenues, expenditures and changes in fund balance, with \$19,413,165 being charged to expense (net) in 2009. The Authority’s PRO liability is measured based on the current cost of future activities. Also, the PRO liability was estimated using “the expected cash flow technique,” which measures the liability as the sum of probability weighted amounts in a range of possible estimated outcomes.

The Authority owns numerous properties with environmental issues that meet the criteria for “obligating events” and disclosure under GASB Statement No. 49. All of the properties meeting the criteria were acquired by the Authority for the purpose of constructing a school facilities project on behalf of an SDA District, and these projects are fully funded through construction via the approval of various capital plans. As a result, the Authority has obligated itself to commence clean-up activities. The Authority’s remediation activities generally include: pre-cleanup activities including preliminary assessment and site

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investigation; asbestos and lead based paint removal; underground storage tank removal; neutralization, containment, removal and disposal of ground pollutants; site restoration; and post-remediation monitoring and oversight. The following table summarizes the Authority's expected outlays (estimated costs), payments and cost recoveries related to numerous SDA-owned properties associated with school facilities projects in various stages of pre-development and construction.

<b>Description</b>	<b>Estimated Cost</b>	<b>Payments to Date</b>	<b>PRO at 12-31-2009</b>
Asbestos and lead based paint removal	\$16,039,473	\$11,086,828	\$4,952,645
Pre-cleanup activities	5,266,572	4,586,909	679,663
Site remediation work	74,236,950	36,377,796	37,859,154
Post-remediation monitoring	1,059,982	226,525	833,457
Sub-total	96,602,977	52,278,058	44,324,919
Less: Estimated environmental cost recoveries (ECR) not yet realized	1,798,827	-	1,798,827
Liability for pollution remediation obligations	\$94,804,150	\$52,278,058	\$42,526,092
Receivable for realized ECR	\$558,297	\$ -	\$558,297

The following table summarizes the changes in the Authority's PRO liability during the year ended December 31, 2009:

<b>PRO at 12-31-2008</b>	<b>PRO Increases</b>	<b>PRO Payments</b>	<b>ECR Not Yet Realized</b>	<b>PRO at 12-31-2009</b>
\$30,114,410	\$19,388,202	(\$6,976,520)	\$ -	\$42,526,092

## 10. Commitments and Contingencies

### (a) Contractual Commitments

At December 31, 2009, the Authority has approximately \$690 million of unaccrued contractual commitments relating to future expenditures associated with school facilities projects.

### (b) Contractor Claims

Numerous contractor claims, the vast majority of which are not in litigation, have been filed with the Authority by design consultants, general contractors and project management firms relating to disputes concerning school construction matters (e.g., delays, labor and material price increases). The Authority resolves contractor claims by following the administrative process noted in the relevant contract. As of December 31, 2009, the Authority's potential

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loss from these claims has been estimated at approximately \$40.7 million, which represents a decrease of \$3.0 million from the prior year end accrual. Accordingly, as of December 31, 2009, an accrued liability of \$40.7 million is reflected in the statement of net assets and general fund balance sheet and, for the year then ended, \$3.0 million is credited against school facilities project costs on the statement of activities and general fund revenues, expenditures and changes in fund balances.

**(c) Real Estate Matters**

The Authority has either received Notices of Claims or is a named defendant in several lawsuits relating to its real estate activities including, among other things, disputes over relocation benefits, and various claims for damages. As of December 31, 2009, management estimates its exposure related to these matters is approximately \$415,000, which amount represents an \$885,000 decrease from the prior year end accrual. Accordingly, as of December 31, 2009, an accrued liability of \$415,000 is reflected on the statement of net assets and general fund balance sheet and, for the year then ended, \$885,000 is credited to school facilities project costs on the statement of activities and general fund revenues, expenditures and changes in fund balances.

**(d) Insurance**

The Authority maintains commercial insurance coverage for, among other things, workers' compensation, tort liability (including public liability and automobile) and property damage. Additionally, in support of its construction operations the Authority has implemented an Owner-Controlled Insurance Program (OCIP) and has also purchased Owners Protective Professional Indemnity Insurance (OPPI), both of which are discussed below. As of December 31, 2009, management is not aware of any insurable claim that is expected to exceed its commercial insurance coverage. The Authority is also involved in several lawsuits not covered under its commercial insurance; however, in the opinion of management, none of the claims is expected to have a material effect on the Authority's financial statements.

The Authority has implemented an OCIP that "wraps up" multiple types of insurance coverage into one program. The Authority initially implemented a three-year OCIP, effective December 31, 2003 (OCIP I), to provide workers' compensation, commercial general liability, umbrella/excess liability and builders risk insurance for all eligible contractors performing on school facilities projects. OCIP I was subsequently extended to March 31, 2009. Builders risk coverage for OCIP I expired as of December 31, 2009. Policy limits for OCIP I vary depending upon, among other things, the type of insurance coverage; a \$300 million umbrella/excess liability program provides additional protection against potentially catastrophic losses resulting from workers' compensation and commercial general liability claims. Losses are subject to a \$250,000 per claim deductible. Although OCIP I is no longer enrolling new projects into the program since its expiration, completed operations coverage continues for 10 years from the end of construction for all previously enrolled

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projects and loss control services continue for enrolled construction projects. OCIP I premiums are adjustable based upon audited direct labor payroll, currently estimated at \$300 million.

In 2009, the Authority purchased a new five-year OCIP (OCIP II). OCIP II provides coverage for projects commencing construction between March 31, 2009 and March 31, 2012, and an additional two years is included for the completion of enrolled projects. Builders risk coverage for OCIP II has a three-year term commencing December 31, 2009. Similar to OCIP I, policy limits for OCIP II vary depending upon, among other things, the type of insurance coverage; a \$200 million umbrella/excess liability program provides additional protection against potentially catastrophic losses resulting from workers' compensation and commercial general liability claims. Losses are subject to either a \$250,000 per claim deductible or a \$350,000 deductible in the event that both a workers' compensation and general liability claim occur from the same incident. Additionally, OCIP II provides 10 years of completed operations coverage for claims that arise after the completion of construction and loss control services to reduce insurance claims and losses. Premiums for OCIP II are adjustable based upon actual construction values of insured projects, estimated at \$2 billion.

In connection with OCIP I, the Authority executed a Funded Multi-Line Deductible Program Agreement which, among other things, required the Authority to fund a Deductible Reimbursement Fund (DRF) to collateralize the Authority's estimated deductible obligations under certain OCIP I policies. The DRF, which was established at \$37 million, consists of cash payments by the Authority totaling \$34.9 million, and a one-time credit of \$2.1 million received at inception for estimated interest. The cash portion of the DRF was funded by the Authority in installments during the period from December 2003 through December 2006, and expensed as paid as school facilities project costs on the statement of activities and general fund revenues, expenditures and changes in fund balances.

Concurrent with the Authority's purchase of OCIP II, the insurer agreed to transfer the remaining funds from the Authority's DRF to a new Loss Reimbursement Fund (LRF). The LRF for OCIP II was initially established at approximately \$18.9 million; and the balance of funds remaining from the DRF, totaling approximately \$9.9 million, fund the LRF for OCIP I. All monies deposited in the LRF accrue interest to the benefit of the Authority and are available to pay claim costs arising from construction projects enrolled within the respective OCIPs.

As of December 31, 2009, the Authority has incurred general liability and workers' compensation claims totaling approximately \$9.9 million, and \$5,000 respectively, under OCIP I and OCIP II. All monies deposited in the LRF and not used to pay claims will be refunded to the Authority along with accrued interest. Under the terms of the contract, the Authority has no claim or interest in the LRF until all obligations have been paid in full. A reasonable estimate of the refund is not yet known nor has a refund been agreed to by the



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insurer since many covered school facilities projects are in various stages of completion and therefore the Authority's ultimate obligation cannot be immediately determined.

On October 1, 2009, the Authority purchased a 5-year, \$25 million limited liability OPPI policy designed to provide additional protection in excess of the professional liability insurance maintained by the Authority's contracted design professionals. The policy is subject to a \$500,000 self insured retention, and provides coverage for construction projects in the 2008 Capital Plan through completion. In addition, the policy provides an Extended Reporting Period (ERP) of up to 10 years to report claims. The ERP commences on the earlier of project completion or the policy expiration date of October 1, 2014.

## **11. Employee Benefits**

### **(a) Public Employees Retirement System of New Jersey**

All active, full-time employees of the Authority are required as a condition of employment to participate in the Public Employees Retirement System of New Jersey ("PERS" or "Plan"), a cost-sharing, multiple-employer defined benefit plan administered by the State. Employees currently contribute 5.5% of their annual compensation to the Plan. As discussed below, members enrolled in the PERS on or after July 1, 2007, and who earn an annual salary in excess of established limits, are eligible to participate in a Defined Contribution Retirement Program (DCRP) administered by Prudential Financial on behalf of the State. The Authority's total payroll for the years ended December 31, 2009, 2008 and 2007, which approximates its covered payroll, was \$23,683,663, \$21,291,915 and \$18,622,173, respectively.

The State and local employers, including the Authority, were not required to make normal contributions to the PERS between 1997 and 2004 based on Pension Security legislation passed in 1997. Beginning in 2005, mandatory normal and accrued liability contributions to the PERS were resumed since the actuarial value of the Plan's assets was insufficient to support the projected value of accrued liabilities. However, in order to minimize the immediate fiscal impact of the annual pension obligation, P.L. 2003, c.108 was enacted, which calls for a phase-in of the employer's funding requirement. This State statute provides that the Treasurer shall reduce an employer's normal and accrued liability contributions to a percentage of the amount certified annually by the PERS as follows: 20% of the actuarially calculated liability is payable in 2005; not more than 40% of the actuarially calculated liability is payable in 2006; not more than 60% of the actuarially calculated liability is payable in 2007; not more than 80% of the actuarially calculated liability is payable in 2008; and 100% of the actuarially calculated liability is payable in 2009. In 2009, 2008 and 2007, the Authority's pension contributions to the PERS totaled \$1,400,824, \$1,006,609 and \$618,649, respectively, which amounts were charged to salaries and benefits expense. The Authority's 2010 pension contribution, due on April 1, 2010, will amount to \$1,793,292.

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The general formula for annual retirement benefits is the final average salary divided by 55, times the employee's years of service. Pension benefits fully vest upon reaching 10 years of credited service. Members are eligible for retirement at age 60 with no minimum years of service required. Generally, except as described in the section below, members who have 25 years or more of credited service may elect early retirement without penalty at or after age 55 and receive full retirement benefits; however, the retirement allowance is reduced by 3% per year (1/4 of 1 percent per month) for each year the member is under age 55. The PERS also provides death and disability benefits. All benefits are established by State statute. The State of New Jersey, Department of the Treasury, Division of Pension and Benefits, issues publicly available financial reports that include the financial statements and required supplementary information for the PERS. The financial reports may be obtained by writing to the State of New Jersey, Department of the Treasury, Division of Pension and Benefits, P.O. Box 295, Trenton, New Jersey, 08625-0295.

**(b) Defined Contribution Retirement Program and Early Retirement Changes for Employees Enrolled in the PERS on or after July 1, 2007**

The DCRP was established on July 1, 2007 under the provisions of P.L.2007, c.92 and P.L.2007, c.103. The DCRP provides eligible members with a tax-sheltered, defined contribution retirement benefit, along with death and disability benefits. A PERS member who becomes eligible and is enrolled in the DCRP is immediately vested in the DCRP. To be eligible for the DCRP, an employee is required to have enrolled in the PERS on or after July 1, 2007, and they must earn an annual salary in excess of established "maximum compensation" limits. The maximum compensation is based on the annual maximum wage for Social Security and is subject to change at the start of each calendar year. A PERS member who is eligible for the DCRP may voluntarily choose to waive participation in the DCRP for a reduced retirement benefit from the State. If a member waives DCRP participation and later wishes to participate, the member may apply for DCRP enrollment, with membership to be effective January 1 of the following calendar year.

PERS members who participate in the DCRP continue to receive service credit and are eligible to retire under the rules of the PERS, with their final salary at retirement limited to the maximum compensation amounts in effect when the salary was earned. The participating member would also be entitled to a supplementary benefit at retirement based on both the employee (above the maximum compensation limit) and employer contributions to the DCRP. For the direct benefit of those participating in the DCRP, the Authority would be required to contribute 3% to the DCRP ("employer matching") based on the member's annual compensation (base salary) in excess of the maximum compensation limit.

As of December 31, 2009, the Authority has nine employees enrolled in the DCRP and has accrued an aggregate of \$5,819 for employer matching contributions relating to 2009 and 2008.

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P.L.2007, c.103 also changes certain provisions with regard to early retirement for new employees who enrolled in the PERS on or after July 1, 2007. If a member who enrolled on or after July 1, 2007 retires with 25 or more years of service before reaching age 60, the retirement allowance is reduced 1% per year (1/12 of 1 percent per month) for each year the member is under age 60 but over age 55. As was the case under prior law, the retirement allowance is reduced by 3% per year (1/4 of 1 percent per month) for each year the member is under age 55.

**(c) Deferred Compensation**

The Authority has established an Employees Deferred Compensation Plan under section 457 of the Internal Revenue Code. All active, full-time employees are eligible to participate in the plan, which permits participants to defer a portion of their pay in accordance with the contribution limits established in section 457(b) of the Internal Revenue Code. The Authority does not make any contributions to the plan.

**(d) Other Post-Employment Benefits**

The Authority provides post-employment healthcare benefits (including Medicare Part B reimbursement) and prescription drug coverage through participation in the New Jersey Health Benefits Program, as sponsored and administered by the State of New Jersey, to retirees having 25 years or more of service in the PERS, or to those individuals approved for disability retirement. These post-employment benefits also extend to the retirees' covered dependents. Upon turning 65 years of age, a retiree must opt for Medicare as their primary coverage, with State benefits providing supplemental coverage. In addition, life insurance is provided to retirees in an amount equal to 3/16 of their average salary during the final 12 months of active employment. These post-employment benefits, referred to as OPEB, are presently provided by the Authority at no cost to the retiree. The State has the authority to establish and amend the benefit provisions offered and contribution requirements. The plan is considered an agent multiple-employer defined benefit plan for financial reporting purposes. The State of New Jersey, Department of the Treasury, Division of Pension and Benefits, issues publicly available financial reports that include the financial statements for the State Health Benefits Program Funds. The financial reports may be obtained by writing to the State of New Jersey, Department of the Treasury, Division of Pension and Benefits, P.O. Box 295, Trenton, New Jersey, 08625-0295.

The Authority accounts for its OPEB obligations in accordance with GASB Statement No. 45, *"Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions."* The Authority's OPEB cost is calculated based on the annual required contribution of the employer (ARC), an amount actuarially determined in accordance with the parameters of GASB Statement No. 45. As permitted by GASB Statement No. 45, the Authority is utilizing the January 1, 2008 actuarial valuation for both 2009 and 2008. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover

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normal costs each year and to amortize any unfunded actuarial liabilities over a period not to exceed 30 years. The Authority's annual OPEB cost for 2009 and 2008 and the related information for the plan are as follows:

	<u>2009</u>	<u>2008</u>
Annual required contribution	\$1,354,100	\$1,354,100
Adjustment to annual required contribution *	12,100	12,100
Annual OPEB cost	1,366,200	1,366,200
Contributions made	(64,664)	(74,967)
Increase in net OPEB obligation	1,301,536	1,291,233
Net OPEB obligation – beginning of year	2,858,504	1,567,271
Net OPEB obligation – end of year	<u>\$4,160,040</u>	<u>\$2,858,504</u>

\* The adjustment to the ARC includes interest on the net OPEB obligation, less amortization of the net OPEB obligation.

The annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for 2009, 2008 and 2007 is as follows:

<u>Year Ended</u>	<u>Annual OPEB Cost</u>	<u>Percentage of Annual OPEB Cost Contributed</u>	<u>Net OPEB Obligation</u>
12/31/2009	\$1,366,200	4.7%	\$4,160,040
12/31/2008	\$1,366,200	5.5%	\$2,858,504
12/31/2007	\$1,596,100	1.8%	\$1,567,271

As of the most recent valuation date (January 1, 2008), the Authority's actuarial accrued liability was \$8,975,500, all of which was unfunded as of December 31, 2009. The Authority is recognizing this liability over a 30-year period using 4% annual increasing amortization, which is representative of amortizing on a level percentage of payroll on an open basis. The covered payroll (annual payroll of active employees covered by the plan) as of the valuation date was \$20,275,000 and the ratio of the unfunded actuarial accrued liability to the covered payroll was 44.3%. Additionally, as of the valuation date five active and six retired employees were eligible for post-employment benefits.

The Authority has elected at this time to finance its annual OPEB cost on a pay-as-you-go basis in view of the fact that the Authority is not authorized to pre-fund an OPEB trust from the proceeds of tax-exempt bonds (nor from the income earned on the investment of those proceeds) from which it presently derives essentially all of its revenue. Payments for retiree post-employment benefits totaled \$64,664 and \$74,967, respectively, in 2009 and 2008.

*Actuarial Methods and Assumptions:* Actuarial valuations of a perpetual plan involve formulating estimates and assumptions about the probability of occurrence of future events, such as employment, mortality and healthcare costs, among other things.

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Consequently, the amounts derived from an actuarial valuation are subject to continual revision as actual results will undoubtedly differ from past expectations and assumptions. The schedule of funding progress, presented as required supplementary information following the notes to financial statements, presents multi-year trend information that shows whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of each valuation date and the historical pattern of benefit cost sharing between the employer and plan members to that point. The actuarial methods and assumptions used include techniques that are designed to reduce short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

For the January 1, 2008 actuarial valuation the projected unit credit actuarial cost method was used with a 4.5% discount rate. Pursuant to this method, benefits are recognized from date of hire to the date the employee is first eligible for benefits. No investment return was assumed in the current valuation since there are no OPEB plan assets. The healthcare cost trend assumed in the actuarial valuation includes an initial annual cost rate increase of between 9.5% and 10.5% depending on the medical plan (i.e. NJ Direct or HMO), decreasing by .5% annually to a long-term trend rate of 5% annually commencing in 2019. The prescription drug cost trend assumed in the actuarial valuation includes an initial annual cost rate increase of 11.5%, decreasing by .5% annually to a long-term trend rate of 5% annually commencing in 2021. The Medicare Part B premium reimbursement cost trend assumed in the actuarial valuation includes an initial annual cost rate increase of 1.5%, increasing to 6.5% in 2009, then decreasing to a long-term trend rate of 5% annually commencing in 2010. As required in GASB Technical Memorandum 2006 1 on the accounting for the federal Retiree Drug Subsidy (RDS), the Authority's actuarial liabilities are shown without a reduction for the RDS even though the State Health Benefits Program has opted to receive the RDS

## **12. Compensated Absences**

In accordance with GASB Statement No. 16, "*Accounting for Compensated Absences*," the Authority recorded a liability in the amount \$919,118 as of December 31, 2009. The liability is the value of employee accrued vacation time as of the balance sheet date and vested sick leave benefits that are probable of payment to employees upon retirement. The vested sick leave benefit to retirees for unused accumulated sick leave is calculated at the lesser of ½ the value of earned time or \$15,000. The payment of sick leave benefits, prior to retirement, is dependent on the occurrence of sickness as defined by the Authority's policy; therefore, such unvested benefits are not accrued.

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Notes to Financial Statements (continued)

**13. Long-Term Liabilities**

During 2009, the following changes in long-term liabilities are reflected in the statement of net assets:

	<b>Beginning Balance</b>	<b>Additions</b>	<b>Deductions</b>	<b>Ending Balance</b>
Other post-employment benefits obligation	\$2,858,504	\$1,366,200	(64,664)	\$4,160,040
Arbitrage rebate	4,196,253	-	(\$2,478)	4,193,775
Compensated absences	852,130	66,988	-	919,118
Total long-term liabilities	<u>\$7,906,887</u>	<u>\$1,433,188</u>	<u>(\$67,142)</u>	<u>\$9,272,933</u>

For further information, see Notes 2(d), 11(d) and 12.

**14. Net Assets**

The Authority's net assets (or deficit) are categorized as either invested in capital assets, restricted for qualified zone academies or restricted for schools construction special revenue fund. At December 31, 2009, the Authority's net assets are \$189.5 million. Invested in capital assets includes leasehold improvements, furniture and fixtures, equipment and computer software used in the Authority's operations, net of accumulated depreciation. Qualified zone restricted assets include net assets that have been restricted in use for construction projects that qualify under Section 1397E(e)(2) of the Internal Revenue Code as qualified zone academies. Schools construction restricted assets include all net assets not included in the other two categories. When both restricted and unrestricted resources are available for use, it is the Authority's policy to first use restricted resources then unrestricted resources as needed.

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Notes to Financial Statements (continued)

The changes during 2008 and 2009 in net assets are as follows:

	Invested in Capital Assets	Restricted for Qualified Zone Academies	Restricted for Schools Construction Special Revenue Fund	Totals
Net assets,				
December 31, 2007	\$6,144,329	\$2,828,715	\$468,735,438	\$477,708,482
Effects of GASB Statement No. 49 implementation on beginning of year net assets	-	-	(6,912,571)	(6,912,571)
Beginning net assets – as restated January 1, 2008	6,144,329	2,828,715	461,822,867	470,795,911
(Loss)/Excess before receipt of EFCFA funding and transfers	(1,672,235)	-	(28,738,618)	(30,410,853)
Capital assets acquired	525,596	-	(525,596)	-
EFCFA funding received from State	-	-	450,000,000	450,000,000
School facilities project costs	-	(2,828,715)	(919,994,745)	(922,823,460)
Net (deficit) assets,				
December 31, 2008	4,997,690	-	(37,436,092)	(32,438,402)
(Loss)/Excess before receipt of EFCFA funding and transfers	(1,500,778)	-	(42,101,170)	(43,601,948)
Capital assets acquired	233,969	-	(233,969)	-
EFCFA funding received from State	-	-	775,000,000	775,000,000
School facilities project costs	-	-	(509,461,571)	(509,461,571)
Net assets,				
December 31, 2009	\$3,730,881	\$ -	\$185,767,198	\$189,498,079

### 15. Subsequent Event

The Authority currently anticipates that the EDA will issue approximately \$500 million, or more, of School Facilities Construction Bonds during 2010 to finance the School Construction Program. Any future bond sale would be subject to EDA Board approval. The Authority plans to use the proceeds from future bond sales to support its construction and grant programs, in addition to funding the Authority's operations.

As of December 31, 2009, the Authority has received \$8.146 billion of the \$12.5 billion principal amount of bond proceeds authorized by the New Jersey Legislature for the School Construction Program.

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**REQUIRED SUPPLEMENTARY INFORMATION**



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Schedule of Funding Progress - Post-Employment Healthcare Benefit Plan

\$ In thousands						
Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) - Level Dollar (b)	Unfunded AAL (UAAL) (b) - (a)	Funded Ratio (a) / (b)	Covered Payroll (c)	UAAL as a Percentage of Covered Payroll (b) - (a) / (c)
1-1-2008	\$0	\$8,976	\$8,976	0%	\$20,275	44%
1-1-2007	\$0	\$8,922	\$8,922	0%	\$17,271	52%